

## SELF SERVICE CENTER

### PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION FOR CHANGE OF CUSTODY, CHILD SUPPORT And PARENTING TIME (Formerly known as "VISITATION")

1. **Complete all the paperwork:** Here is the court paperwork you must complete:
  - ◆ **"Family Court Post-Decree Coversheet", "Petition for Change of Custody, Parenting time and Child Support"**
  - ◆ **"Order to Appear"** also known as an **"Order to Show Cause:"** Complete the information on the top about you, and fill the name of Petitioner and Respondent, and the Case Number.
  - ◆ **"Affidavit Regarding Minor Children."** If the children have resided in Arizona since the date of the last custody order, you do not need to fill out this form. If the children have not resided in Arizona since the date of the last custody order fill out all of **the "Affidavit Regarding Minor Children."**
  - ◆ **"Child Support Worksheet."** Follow the instructions that tell you how to complete this form.

2. **Make copies and file the papers with the Clerk of the Court:** Make three (3) copies of the paperwork you completed: one for you, one for the judge, and one for the other party.

Each set should contain the following documents:

Original:

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

**"Family Court Post-Decree Coversheet"**

Judge's Copy:

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

Your Copy:

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

Other Party's Copy:

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

The filing fee, as of January 1, 1998, is \$61.00. If you cannot afford the fee, ask for the paperwork on deferring filing fees. You can also get a deferral of the fees for the sheriff to serve the papers, if you qualify.

File the **original** documents and all the copies listed above with the Clerk of the Court at the filing counter. The Clerk will give you back the **original "Order to Appear"** for the judge to sign. Ask the clerk to stamp the extra copies for you too. These are called "conformed" copies.

3. **Mail or hand-deliver the papers to the judge who is assigned to your case:** Go to the IN-BOX of the judge who is assigned to your case if you are filing your case at the downtown Phoenix location, or go to Court Administration if you are filing your case at the Southeast Court Facility (Mesa) or Northwest Court Facility (Surprise). If you are not sure which judge is assigned, go to Family Court Administration and staff will tell you which judge is assigned and where to take the papers. Also give the judge:
  - ◆ A 9 x 12 self addressed, stamped envelope so the staff can mail the judge's decision to you.
4. **What the judge will do:** The judge will decide one of the following, based on the paperwork you submitted.
  - ◆ To schedule a hearing for you and the other party to come to talk to the judge about the case.
  - ◆ To dismiss the case because the judge thought your paperwork did not show a good reason for the change you want
  - ◆ Other orders the judge thinks proper.

5. **Wait to hear back from the judge about your court hearing:** Wait a couple of weeks for the hearing date to be set. The judge will write an order stating what the judge decided to do with your case. Read the judge's order carefully, so you know what the judge decided to do next.

If you left a self-addressed 9 x 12 inch envelope with sufficient postage, the judge's staff will send the judge's decision and papers back to you. Otherwise, you must come back to court about a week or so after you dropped off the forms and get them from the judge's OUT-BOX. You can call the judge's office to learn whether a hearing date has been set.

If the judge decided to hear your case, the staff will return to you the **original and two copies** of the **"Order to Appear."**

6. **Serve the papers on the other party:** If the judge decided to set a hearing, you must arrange for service of the following papers on the other party:

- ◆ A copy of the **"Petition for Change of Custody, Parenting time and Child Support."**
- ◆ A copy of the **"Order to Appear"**
- ◆ A copy of your **"Child Support Worksheet"** and a blank copy.
- ◆ A copy of the **"Affidavit Regarding Minor Children"** (if applicable)

Sometimes the other party will **ACCEPT** service in which case he/she must sign and you must file **"Notice of Acceptance of Service"** and the original **"Order to Appear."** If the other party does **not** accept service, then you must contact a process server or the sheriff to serve the papers on the other party. Give the process server or sheriff a **copy and the original "Order to Appear."** After service, the process server or sheriff will file an **"Affidavit of Service"** and will file the original **"Order to Appear"** with the Clerk of the Court. If the other party has a lawyer, or a lawyer from the Attorney General's office has appeared in the case on the child support part, then you also **must** mail or hand-deliver a **copy** of the papers to that lawyer.

7. **Go to the court hearing and bring the Order papers. (See packet 4):** Be sure to write down the date, time and place of the court hearing, and go to the hearing. **Be on time.** Dress neatly. Be prepared to present your evidence about why the judge should order the change you requested. Do not bring children to court.